

#EO-804
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**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-32 (SUB-NO. 102X)
AND STB DOCKET NO. AB-355 (SUB-NO. 36X)

February 21, 2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

RECOMMENDATION: Remove Section 106 Condition in AB-32 (Sub-No. 102X) –
Boston and Maine Corporation – Abandonment Exemption – In
Merrimack County, NH and AB-355 (Sub-No. 36X) – Springfield
Terminal Railway Company – Discontinuance of Service
Exemption – In Merrimack County, NH

In this proceeding, the Boston and Maine Corporation (B&M) and the Springfield Terminal Railway Company (ST) jointly filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for B&M to abandon and for ST to discontinue service of a line of railroad in Concord, Merrimack County, New Hampshire. SEA served an Environmental Assessment (EA) for this proceeding on February 1, 2008 for public review and comment. In the EA, SEA recommended the following environmental condition:


The Boston and Maine Corporation (B&M) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. B&M shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the State Historic Preservation Office and the public. B&M may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

Comments on the EA

In the attached correspondence from February 4, 2008, the New Hampshire Division of Historical Places (State Historic Preservation Office or SHPO) indicates that it has determined that the proposed abandonment would not affect any known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). SEA concurs with the SHPO's determination that the proposed abandonment would not affect historic properties. The documentation for this finding, as specified in 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and the EA, which was made available to the public through posting on the Board's website.

Recommendations to the EA

SEA recommends that the Section 106 condition imposed by the Board in this proceeding be removed.

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Distribution: Ann Newman, Office of Proceedings
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ECT



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

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#E1-5276
AB-32 Y02X
AB-355 36X

February 4, 2008

Mr. Michael Q. Geary
Staff Attorney
Pan Am Railways
1700 Iron Horse Park
North Billerica, MA 01862

Re: Abandonment of and Discontinuance of Service
Over the Concord & Claremont Branch – Concord, New Hampshire
Docket No. AB 32 (Sub No. 102X)
AB 355 (Sub No. 36X)

Dear Mr. Geary,

In conformance with 36 CFR 800.4(c)(1) and (2) of the Advisory Council on Historic Preservation procedures, 36 CFR Part 800: *Protection of Historic Properties*, staff of the Division of Historical Resources has reviewed the material you submitted regarding the proposed abandonment of and discontinuance of service of a small portion of the Concord & Claremont Branch located in the City of Concord, NH. The Area of Potential Effects is defined as a 0.96 mile portion of the Concord & Claremont Branch from milepost 1.86 to milepost 0.9. While individual resources along this line outside of the APE have been determined individually eligible, the railroad as a whole has not been evaluated for eligibility for listing in the National Register of Historic Places. A site visit has confirmed that there are no significant resources within the APE defined for abandonment and discontinuance of service.

For purposes of compliance with the federal Advisory Council on Historic Preservation regulations, *Protection of Historic Properties* (36 CFR Part 800), implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470), this determination may be construed as a finding of "No Historic Properties Effectuated" within the APE defined for this undertaking.

Should you have any questions or concerns, please feel free to call Nadine Peterson, NHDHR Preservation Planner, at 603-271-6628.

Sincerely,

Elizabeth H. Muzzey
Director/State Historic Preservation Officer

